



Office of Statewide Health Planning and Development



Hospital Building Safety Board

400 R Street, Suite 200
Sacramento, California 95811-6213
(916) 440-8446
Fax (916) 324-9118
<http://www.oshpd.ca.gov/Boards/HBSB/index.html>

**MEETING REPORT
HOSPITAL BUILDING SAFETY BOARD (HBSB)**

Board Procedures Committee

**Monday, December 12, 2011
10:00 a.m. - 4:00 p.m.**

Office of Statewide Health Planning and Development
400 R Street, Suite 207
Sacramento, CA 95811

Committee Members Present

Michael Foulkes, Chair
John Egan, Vice Chair
Joe La Brie
Trailer Martin
Carl Scheuerman

OSHDP Staff

Paul Coleman

HBSB Staff

Linda Janssen, Executive Director
Evelt Torres

1 Welcome and Introductions

2 Committee Chair Michael Foulkes called the meeting to order at 10:30 a.m., and
3 participants took turns identifying themselves.

4

5 Mr. Foulkes noted that the committee usually meets at this time of year to review the
6 Board's policies and procedures, identify possible improvements, and make plans for

1 the future. Included in that discussion, he recommended that the committee consider
2 the topics of teleconference meetings, recruitment of Board members, and fostering
3 greater cohesiveness among Board members. Mr. Foulkes welcomed suggestions for
4 other subjects committee members wanted to discuss.

5
6 Mr. La Brie indicated that he reviewed the current policies and procedures document
7 and created a redline version showing some revisions the committee might want to
8 consider.

10 **Review the January 25, 2011 Meeting Report**

11 Mr. Foulkes drew attention to the report of the committee's January 25, 2011 meeting.
12 Ms. Linda Janssen stated that the January 25 meeting report had already been
13 approved by the Board.

15 **Discussion: HBSB Policies and Procedures**

16 Mr. Foulkes noted that the Board's policies and procedures had not been updated since
17 2009. He invited Mr. La Brie to discuss his marked-up document.

18
19 Mr. La Brie referred to his annotation at the bottom of Page 3 regarding Mr. Jay
20 Elbettar's resignation and replacement. Ms. Janssen reported that the staff sent letters
21 notifying various organizations of Mr. Elbettar's resignation and soliciting nominations,
22 and one person had been nominated for the position.

23

1 Committee members talked about the replacement process. Mr. Foulkes said he
2 understood that replacement Board members can be appointed to serve a new four-
3 year term rather than finish the time remaining on an unexpired term. He noted that the
4 Board had staggered terms at its inception, but they have become less uniform over
5 time. Committee members concluded that a resignation should be viewed as the end of
6 that term, and replacement appointees should have their own full four-year term. Mr.
7 Trailer Martin recommended inserting language clarifying this point.

8

9 Mr. La Brie said he would take detailed notes and draft new language for the
10 committee's review early next year.

11

12 Mr. La Brie drew attention to Section VI. on Page 4. He noted the second sentence of
13 subparagraph A. 1) a. says the nominating committee should be appointed 30 days
14 before an election, but that does not always happen. He added that Mr. Martin and Mr.
15 Foulkes were the current members of the Nominating Committee.

16

17 Ms. Janssen expressed her opinion that the Nominating Committee should be in place
18 several months prior to an election. Mr. Foulkes described the tasks of the committee in
19 more detail and advised that two or three months of lead time should be sufficient. Mr.
20 La Brie said the Board can announce the upcoming election and solicit potential
21 candidates at the Board meeting prior to the Fall Board meeting.

22

23 Ms. Janssen observed that there are no provisions in the current policies and
24 procedures addressing the term of office for the Board chair and vice chair. She

1 questioned whether a Board member elected as chair would be able to serve only for
2 the remainder of his or her term or for a two-year period. Mr. Foulkes commented that a
3 Board member with less than two years remaining should not be eligible for
4 consideration. He remarked that the ideal candidate for chair would be a Board
5 member with two to four years of experience and at least two years remaining. He
6 noted that if the Board develops a good recruitment strategy to involve new people,
7 these issues would not be a problem. Mr. Foulkes added that the Board has not had a
8 contested election for many years.

9
10 Mr. La Brie said preparing someone for a leadership role is challenging. He suggested
11 viewing the vice chair position as a preparatory step to becoming the next chair. Mr.
12 Foulkes noted that the vice chair has often become the Board chair, but not always. He
13 emphasized the importance of finding people who can work well together and function
14 as a team. Ms. Janssen observed that the Board's committees should be used to build
15 future leaders.

16
17 Ms. Janssen recommended keeping the past chair on the Board for an additional year
18 to advise and support the new chair. Mr. La Brie stated that he planned to remain
19 involved with the Board for a while, and would continue participating at meetings later
20 as an interested party.

21
22 Mr. La Brie drew attention to Item B. 4) on Page 5. He said he had been appointing
23 committee vice chairs as well as chairs, and he asked whether language should be
24 added to reflect this practice. Mr. Foulkes pointed out that the current policies and

1 procedures allow the committee chair to appoint a vice chair, and he referred to the list
2 on Page 9. Committees discussed the pros and cons of both approaches.

3
4 Ms. Janssen reported that one committee chair expressed dissatisfaction with the
5 person appointed as vice chair because he did not know the individual. She said the
6 chair eventually overcame his reluctance and worked very effectively with the vice chair.
7 This demonstrates that both chair and vice chair appointments by the Board Chair can
8 result in forced intermingling of Board members who may prefer to only work with those
9 individuals that have a previously established working relationship. This practice would
10 also allow the Board Chair to see if new Board members demonstrate potential
11 leadership qualities.

12
13 Mr. Foulkes observed that the Board needs to either amend its bylaws or change its
14 practices.

15
16 Mr. La Brie commented that a third option would be to give the Board chair flexibility to
17 make appointments or delegate the duty to the committee chair.

18
19 Mr. Coleman proposed changing Item 4 on Page 9 to read: "Designates a Vice Chair
20 for the committee in consultation and concurrence with the Board Chair." Committee
21 members expressed support for this kind of collaborative approach. Mr. La Brie said he
22 would draft language to that effect.

23

1 Mr. La Brie drew attention to the new item he proposed adding to the chair's duties in
2 Section VI. B. pertaining to establishment of yearly goals and priorities. Ms. Janssen
3 clarified that the Board chair develops draft priorities and goals and presents them to
4 the Board at the beginning of each year. Committee members agreed to change
5 "establishes" to "develops" or "recommends."

6
7 Mr. Carl Scheuerman asked if the goals and priorities should be vetted by a standing
8 committee before going to the full Board. Mr. La Brie remarked that he brought this item
9 to the Board Procedures Committee for that reason, but this practice has not been
10 formalized. Mr. Foulkes agreed that vetting was a good practice, as reflected in other
11 provisions of the policies and procedures that identify how key decisions are made. He
12 questioned whether the vetting process needs to be formalized in the bylaws.

13
14 Ms. Janssen noted the language proposed at the end of Section VIII. A. 1) and 2)
15 regarding the location of meetings. Mr. Coleman noted that the policies and procedures
16 say the Board is supposed to meet at different locations throughout the state, but
17 budget-driven travel restrictions may take precedence at certain times.

18
19 Mr. Foulkes said that when the Board first considered teleconference and
20 videoconference meetings, the general feeling was that they should be avoided unless
21 absolutely necessary. However, budget constraints have made these a practical
22 alternative, so perhaps the bylaws should be revised to reflect this reality. Mr. La Brie
23 noted that the Board's preference would still be to avoid teleconferencing if possible.

24

1 Mr. Coleman advised that a number of committee meetings have been held by
2 videoconferencing in two central locations, and this option has been more convenient
3 for many participants. He suggested adding a new section describing use of
4 videoconferencing for committee meetings. He expressed his opinion that full Board
5 meetings should still be conducted in person.

6
7 Mr. Foulkes observed that the policy is intended to address any meeting not held face to
8 face, regardless of what technology is used, so the distinction between teleconferencing
9 and videoconferencing is not important. He said the Board needs to weigh the overall
10 benefits and convenience for staff and participants versus the limitations.

11
12 Ms. Janssen commented that because meetings have been held in Sacramento due to
13 travel restrictions in recent years, more of the travel burden has been shifted to
14 participants from Southern California, and offering the option of videoconferencing helps
15 offset this geographical impact. She noted that making written materials available to all
16 participants has been a challenge. Mr. Coleman said dual monitors can be used to
17 address that issue, but proper advance planning is required. He could be posted on the
18 Website and made available to the public.

19
20 Mr. Foulkes suggested drafting provisions describing appropriate uses of remote
21 meeting technology, notification and accessibility requirements, distribution of materials,
22 and how meetings are conducted. Mr. La Brie indicated he had taken notes and would
23 prepare some draft language.

24

1 Mr. La Brie questioned the need for the last sentence in Section VIII. A. 4) regarding
2 notification in the event telephonic services are not working. Mr. Foulkes observed that
3 this provision was probably written before cell phone technology was widely available.
4 After some discussion, the committee decided it would be best to keep that language.

5
6 Mr. Coleman drew attention to Section VIII. B. 4) pertaining to conflict of interest, and he
7 recommended defining in more detail what constitutes a conflict of interest. Mr. Foulkes
8 said the term “conflict of interest” should be interpreted to mean a personal financial
9 stake versus a general industry advocacy role. Committee members discussed various
10 situations involving potential conflicts.

11
12 Mr. Foulkes noted that new Board members might benefit from a presentation on
13 conflict of interest rules. Ms. Janssen said the subject is discussed and explained to all
14 Board candidates during the interview process, and the appointment package sent to
15 new Board members contains written information on Form 700 requirements.
16 Committee members recommended developing a more comprehensive orientation
17 program for new Board members.

18
19 Mr. La Brie drew attention to Section VIII. C. He suggested adding a sentence at the
20 end clarifying that consulting member appointments do not require Board approval.
21 Committee members questioned whether scheduling committee meetings was a
22 responsibility of the Board chair. Ms. Janssen clarified that the Board chair presents a
23 proposed meeting schedule at the beginning of each year. Committee members
24 decided not to include “schedule of committee meetings” in that paragraph.

1 Mr. Coleman noted that the Board had recently voted to have consulting members'
2 terms expire on December 31 of each year and to impose an attendance requirement.

3

4 Mr. La Brie referred to his proposed revisions to the list of the Board chair's duties in
5 Section VIII. C. He said the additions reflect current Board practices, and they provide
6 more guidance to incoming chairs. Mr. Scheuerman pointed out that Item f) duplicates
7 Item d). He recommended incorporating Item g) in Item c).

8

9 Mr. Foulkes recalled that when the Board adopted the latest policy on consulting
10 members, there was general consensus not to include those provisions in the bylaws to
11 preserve maximum flexibility. He said all the proposed language makes sense, but
12 perhaps it should be moved to another document given to incoming chairs. He
13 recommended maintaining a distinction between best practices and strict policies.

14

15 Mr. La Brie said he would draft a one-page supplemental description of the chair's
16 duties as a separate document.

17

18 Committee members thanked Mr. La Brie for his hard work. Mr. La Brie said he would
19 develop a revised version for the committee's consideration at the next meeting.

20

21 Mr. Foulkes emphasized the importance of creating a strategy for recruiting new Board
22 members from a healthy pool of interested people. Ms. Janssen said all recent Board
23 vacancies had attracted more than one candidate. She encouraged committee

1 members to think about other building officials who might be interested in serving on the
2 Board.

3

4 At 12:07 p.m., the committee recessed for lunch. Mr. Foulkes reconvened the meeting
5 at 12:27 p.m.

6

7 **Review of Draft Board Goals for 2012**

8 Mr. La Brie referred to his written draft description of the Board's goals for 2012. He
9 read the proposed language and welcomed comments and suggestions from committee
10 members.

11

12 Mr. Scheuerman recommended adding administrative processes, regulations, and code
13 cycle issues to the list. Ms. Janssen explained that when the Board's draft goals were
14 formulated, the staff felt it would not be necessary to incorporate every single
15 committee's goals. She noted that most committees already have a well-defined scope
16 that reflects the Board's overall goals. Mr. Scheuerman suggested adding a goal
17 regarding general code support.

18

19 Mr. Coleman commented that OSHPD staff also reviews Code Application Notices
20 (CAN's) and Policy Intent Notices (PIN's) to identify provisions that could be clarified
21 with future code amendments. He said OSHPD hopes to move to national standards to
22 avoiding the need to adopt California-specific amendments.

23

1 Mr. Scheuerman observed that all five of the proposed goals were outward-looking, and
2 he asked if the Board should also have inward-looking goals that focus on improving
3 Board development and operation. Committee members discussed whether the list
4 should be expanded.

5
6 Mr. Coleman commented that the Board could also serve a useful role in advising
7 OSHPD about new building delivery methods, new industry practices, and new
8 technologies such as BIM. Mr. Scheuerman mentioned a new automated inspection
9 and observation tool that has improved field operations. Mr. La Brie suggested inviting
10 specific industry representatives to make presentations at Board meetings regarding
11 advances in their fields. Mr. Scheuerman pointed out that individual Board members
12 can also be invited to make presentations about changes in their practices.

13
14 Mr. Coleman noted the Board might also consider doing an audit of the Facilities
15 Development Division to examine its efficiency and identify possible improvements. Mr.
16 Scheuerman expressed his appreciation to OSHPD for offering this kind of
17 transparency. He suggested referring this topic to the Administrative Processes and
18 Code Changes Committee for further consideration.

19 20 **Consulting Members**

21 Mr. La Brie referred to the proposed policy language reflecting the December 31 term
22 expiration and the attendance requirement for consulting members. Committee
23 members recommended rewording Item 2 to refer to unexcused absences and
24 changing “required to resign” to “removed from.” Mr. Foulkes suggested adding that

1 committee chairs may request consulting members as needed. Mr. La Brie said he
2 would revise the draft language.

3

4 **2012 Proposed Committee Assignments**

5 Mr. La Brie referred to his chart showing proposed committee assignments.

6

7 Mr. Scheuerman said he was not sure he had time to serve as vice chair. He also is
8 assigned to four committees.

9

10 Committee members reviewed the proposed 2012 meeting schedule.

11

12 Mr. Scheuerman expressed concern that meeting on February 15 might not leave the
13 SB 499 committee enough time, given the March 1 reporting deadline. Mr. Coleman
14 said he would check with the staff about holding the meeting earlier.

15

16 Mr. Scheuerman asked if the SB 90 Committee needed to meet before the application
17 deadline. Ms. Janssen noted the meeting date of April 10 was only a placeholder and
18 could be moved. Mr. Coleman clarified that OSHPD cannot review applications or
19 implement any part of SB 90 until the law actually takes effect, and the timing of that
20 step is still unknown. He added that the importance of SB 90 may be more apparent to
21 the Legislature after reviewing the SB 499 reports.

22

23 Mr. La Brie indicated that he would have revised policies and procedures ready for the
24 committee to review on February 15 so they can be presented to the full Board on

1 February 21. After some discussion, committee members tentatively agreed to
2 schedule the next meeting for February 16.

3

4 Mr. Coleman reported that some hospitals have been submitting reports that contain
5 information on their buildings without identifying how they will be addressed. He said
6 the staff may issue a PIN clarifying that omission of this information constitutes an
7 incomplete report, subjecting those hospitals to monetary penalties. Mr. Scheuerman
8 remarked the wording of the report template itself may be causing some of the
9 confusion. Mr. Coleman noted it might be helpful to move the September meeting of
10 the SB 499 Committee to August so the committee has time to consider improvements
11 before the next reporting deadline.

12

13 Mr. La Brie pointed out that the Education Opportunities Committee will be very active,
14 with four meetings scheduled for 2012. He observed that education should probably be
15 included in the Board's goals to reflect this priority.

16

17 Mr. La Brie stated that he would be developing a plan for better cross-coordination of
18 committee work, notifying consulting members of the policy changes and term
19 expirations, contacting committee chairs and vice chairs, refining committee
20 assignments, revising the policies and procedures, and asking committee chairs to
21 make presentations to the Board on their committees' goals.

22

23 **Comments from the Public/Board Members on Issues not on this Agenda**

24 There were no other issues brought to the committee's attention.

1 **Adjournment**

2 Mr. Foulkes thanked committee members for their participation.

3

4 There being no further business, the meeting was adjourned at 1:00 p.m.

DRAFT